

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON  
U.S. MAGISTRATE JUDGE

DATE: 4/4/11  
TIME: 11:00 AM

*Marcus -v- Dufour, et al.*, CV-10-1716 (ADS) (AKT)

TYPE OF CONFERENCE: **TELEPHONE STATUS CONFERENCE**

APPEARANCES:

Plaintiff	Christopher H. Lindstrom (Phone)
Defendant	Joanne Sum Ping (Olga Dufour) Emile Simone (Lawrence Haaker, David Haaker, Suzanne Perloth and Lisa Goldberg) Robert F. Brodegaard (Lawrence Haaker, David Haaker, Suzanne Perloth and Lisa Goldberg)

THE FOLLOWING RULINGS WERE MADE:

1. I noted to counsel this morning that I saw on ECF the motion of defendant Olga Dufour for Judgment on the Pleadings or, in the alternative, to Dismiss the Haaker defendants' Cross-Claim. Opposition has also been filed, but it appears that the reply has not yet been filed. In light of the pending motion, I am adhering to my original Order allowing only limited discovery to proceed.
2. Defendant Dufour's counsel indicated that there were some deficiencies in the discovery responses of counsel for the Haaker defendants. I reminded counsel of their obligations under Local Civil Rule 37.3 to meet and confer in good faith to try to resolve any discovery disputes before seeking court intervention. If the parties are unable to work out these issues after complying with their Rule 37.3 obligations, then the affected party may file a letter motion seeking the appropriate relief. Such motion must contain up front a certification that counsel have complied with Rule 37.3 and must also state how the parties complied. Any motions to compel discovery must be filed with the court no later than May 6, 2011.
3. Counsel are directed to contact my Chambers within five (5) days of Judge Spatt's decision if the motion is denied.

SO ORDERED

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge